



MISSOURI ETHICS COMMISSION

PO Box 1370

Jefferson City, MO 65102

www.mec.mo.gov

(573) 751-2020 / (800) 392-8660

James Klahr

Executive Director

November 9, 2016

Randy Rhodes
220 SE Green Street
Lee's Summit MO 64063

Re: File No. 16-0090-I

Dear Mr. Rhodes:

The Missouri Ethics Commission considered the complaint filed against you at its November 7, 2016 meeting. The Commission reviewed the allegation that you violated Missouri law by designing and distributing campaign material in support of a ballot measure while working in your official capacity as mayor.

Staff review of the complaint determined that, in April 2016, the Lee's Summit City Council approved an ordinance to place Question 1 on the August 2, 2016 ballot. Question 1 asked voters if they wanted the city to stop applying and collecting a local sales tax on titling of vehicles, trailers, boats and outboard motors purchased outside Missouri.

Before the election, the city paid for material which was distributed to voters. The material described Question 1 and further explained that, under a previous Missouri Supreme Court ruling, a city had to conduct an election to allow voters to decide if they wanted to continue the tax. The material included the proposed ballot language which was taken from Section 32.087.5(2), RSMo. The material included a return address of: City of Lee's Summit, 220 SE Green Street, Lee's Summit, MO 64063.

Section 115.646, RSMo, provides:

No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

While the city's distributed material used language which, at first glance, may appear to advocate that voters take a particular position on Question 1, staff determined that the language was taken directly from the state statute which authorized the city to place the measure before voters. As a result, there is no basis to conclude that the material advocated in violation of Section 115.646, RSMo.



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Staff also reviewed the paid for by disclosure for the material the city distributed. Section 130.031.8 provides:

Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. . . .

(1) . . .

(2) . . .

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

The material included the city's name and address but did not include the "name of the principal officer of the entity" as required by law. However, staff determined that the mayor had no role in "publishing, circulating or distributing" the printed material because these functions were handled by city staff. Lee's Summit has a city charter which establishes that the city manager, not the mayor, is responsible for the day-to-day supervision of the city staff.

From the facts presented, the Commission finds no reasonable grounds exist to support a violation of Chapter 115 or 130, RSMo, and is dismissing the complaint. The Commission reminds the city of the paid for by requirements of Section 130.031.8, RSMo, so that any material it circulates in the future will comply with that provision.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Klahr", is positioned above the printed name and title.

James Klahr

Executive Director